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PROSKAUER ROSE LLP
1585 BROADWAY
NEW YORK, NY 10036

EXAMINER

VIG, NARESH

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/587,525

Applicant(s)

KESTENBAUM, GERALD ISAAC

Examiner

Naresh Vig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 25 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8,10,16,17,19 and 26-97 is/are pending in the application.
- 4a) Of the above claim(s) 33-97 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8,10,16,17,19 and 26-32 is/are rejected.
- 7) ☒ Claim(s) 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

This is in reference to the response received by the office on 25 March 2003 to the office action mailed on 24 September 2002. Amendments to claims 8, 10, 16, 17, 19 and 26, addition of new claims 33 – 97, and, cancellation of claims 1-7, 9, 11–15, 18, 20 – 25 are acknowledged, There are 77 claims, claims 8, 10, 16-17, 19 and 26 - 97 pending for examination.

Election/Restrictions

Newly submitted claims 33 – 97 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claims 33 – 51 and 57 – 97 are claims for computer programs which are independent from the invention originally claimed.

Claims 52 – 56 are claims for a system which are distinct from the invention originally claimed.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 33 – 97 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Arguments

In response to applicant's argument that Gale discloses static data which is merely descriptive information. However, Gale discloses to provide non-static information [see figures].

In response to applicant's argument that Gale's sole disclosure consists of "The manager 12 may also access a user support feature to obtain help in solving system problems by a local programmer.". However, Gale discloses a final field 162 of the building inquiry screen 150 indicates the names, addresses and telephone numbers of maintenance persons. The information of the building inquiry screen 150 allows a manager from a remote location to quickly assess tenant complains based upon the attributes of the building and respond with the appropriate maintenance service with a minimum of local support. It is obvious that the office manager has the capability to inform (manually or through the system) the service providers to get the services performed and resolve tenant complains.

In response to applicant's argument that Gale does not disclose package tracking information. However, it is known at the time of invention to a person with ordinary skill in the art that the businesses have implemented system and method which allows customers to check their order status e.g Amazon.com.

In response to applicant's argument that Gale does not disclose access limitations for users. However, it is a business choice to elect rules and regulation for its system usage. It is known at the time of invention to a person with ordinary skill in the art the business have implement restricted access to their facility. Gale discloses to have security measures to restrict access to information [col. 4, lines 23 – 60].

Claim Objections

On page 28 of the amendment, applicant indicates that the claim has been corrected to recite method claim. However, Claims 28 still recites as an apparatus claim dependant on a system claim 26. Claim 26 is a method claim. Examiner interprets claim 28 as a method claim dependant on claim 26. Appropriate correction is required.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 10 and 17 are rejected under 35 U.S.C. 102(e) as being unpatentable over Gale US Patent 6,334,107.

Regarding claim 10, Gale discloses a method and apparatus for managing a real estate unit from a remote location. The method includes the steps of accessing a server from a remote location through a website of the server and downloading a set of options regarding the managing of the rental unit from the website to the remote location. The method further includes the steps of selecting at least one of the options, uploading the selected option from the remote location to the server and executing the uploaded selected option by the server (abstract). A real estate unit may include residential or commercial rental units or rental storage space. A real estate unit may also be a condominium unit, building or any facility for which the real estate manager performs maintenance management services for the owner (, col. 2, lines 49 – 54).

Apparatus for managing a real estate unit from a remote location comprises means for accessing a server from a remote location through a website of the server;

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means for downloading a set of options regarding the managing of day-to-day operations directly related to use by a renter of the rental unit from the website to the remote location; means for selecting options; means for uploading the selected option from the remote location to the server; means for executing the uploaded selected option by the server (col. 1, lines 11 – 24); modem for transmission of data between a designated financial institution and the server; memory for storing the information (col. 14, lines 37 – 43).

CPU may receive and process information about the real estate unit from a local terminal, a financial institution, or a real estate manager working through a remote user terminal (the manager and terminal hereinafter sometimes together referred to as a "manager"). The CPU is provided with a set of software programs that when executed by the CPU function as a server (the programs and CPU hereinafter sometimes together referred to as server, col. 2, lines 37 – 48).

Gale discloses a field for appliances installed within the unit. A first part of the field identifies the appliance, while a second part shows a purchase and warranty date. An identifier (ID) may be provided. A 3-month and 1-year reminder are also provided for preventive maintenance (col. 7, lines 34 – 39).

A field is provided for appliances contained within the property. The number of each type of appliance is provided as well as an indication as to whether the property owner owns the appliances or some other entity (e.g., a rental agency). An identifier is provided as to who is responsible for servicing the appliances as well as an indicator as to the contract terms under which the appliances may be serviced (col. 9, lines 6 – 13).

Regarding claim 17, Gale discloses a method and apparatus for managing a real estate unit from a remote location. The method includes the steps of accessing a server from a remote location through a website of the server and downloading a set of options regarding the managing of the rental unit from the website to the remote location. The method further includes the steps of selecting at least one of the options, uploading the selected option from the remote location to the server and executing the uploaded selected option by the server (abstract). A real estate unit may include residential or commercial rental units or rental storage space. A real estate unit may also be a condominium unit, building or any facility for which the real estate manager performs maintenance management services for the owner (, col. 2, lines 49 – 54).

Apparatus for managing a real estate unit from a remote location comprises means for accessing a server from a remote location through a website of the server; means for downloading a set of options regarding the managing of day-to-day operations directly related to use by a renter of the rental unit from the website to the remote location; means for selecting options; means for uploading the selected option from the remote location to the server; means for executing the uploaded selected option by the server (col. 1, lines 11 – 24); modem for transmission of data between a designated financial institution and the server; memory for storing the information (col. 14, lines 37 – 43).

CPU may receive and process information about the real estate unit from a local terminal, a financial institution, or a real estate manager working through a remote user terminal (the manager and terminal hereinafter sometimes together referred to as a "manager"). The CPU is provided with a set of software programs that when executed by the CPU function as a server (the programs and CPU hereinafter sometimes together referred to as server, col. 2, lines 37 – 48).

Gale discloses that the manager may also access a user support feature to obtain help in solving system problems by a local programmer. The manager may also activate a selection to obtain system information from the server (col. 12, lines 8 – 16). For example, online help is available in Microsoft Windows 98 when users presses F1 key.

Also, it is known at the time of invention that businesses put Frequently Asked Questions (FAQ) on the system to minimize customer enquiry calls and save cost.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 16, 19 and 26 – 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gale US Patent 6,334,107.

Regarding claim 8, Gale discloses a method and apparatus for managing a real estate unit from a remote location. The method includes the steps of accessing a server from a remote location through a website of the server and downloading a set of options regarding the managing of the rental unit from the website to the remote location. The method further includes the steps of selecting at least one of the options, uploading the selected option from the remote location to the server and executing the uploaded selected option by the server (abstract). A real estate unit may include residential or commercial rental units or rental storage space. A real estate unit may also be a condominium unit, building or any facility for which the real estate manager performs maintenance management services for the owner (, col. 2, lines 49 – 54).

Apparatus for managing a real estate unit from a remote location comprises means for accessing a server from a remote location through a website of the server; means for downloading a set of options regarding the managing of day-to-day operations directly related to use by a renter of the rental unit from the website to the remote location; means for selecting options; means for uploading the selected option from the remote location to the server; means for executing the uploaded selected option by the server (col. 1, lines 11 – 24); modem for transmission of data between a

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designated financial institution and the server; memory for storing the information (col. 14, lines 37 – 43).

CPU may receive and process information about the real estate unit from a local terminal, a financial institution, or a real estate manager working through a remote user terminal (the manager and terminal hereinafter sometimes together referred to as a "manager"). The CPU is provided with a set of software programs that when executed by the CPU function as a server (the programs and CPU hereinafter sometimes together referred to as server, col. 2, lines 37 – 48).

Gale does not disclose to transmit notification message when a third party accesses the information. However, Gale discloses that the access application compares the identifiers against a number of known authorized identifiers (e.g., passwords). When a match is found, the CPU grants access by the manager, but only to a predetermined set of files (col. 4, lines 16 – 22). Also, it is known at the time of invention that in an online system, the system administrator is informed when there is an unauthorized use by a user. In addition, in the systems which requires users to identify themselves before accessing the system, their identification may be used to track their access to information. Therefore, it is known at the time of invention to a person with ordinary skill in the art to send notification when a third party accesses the information to generate the billing for the information. For example, Thomson Corporation's online-based information services "Dialog" (www.dialog.com) which requires customers to provide ID and Password, and bill the customer for the usage of their system.

Regarding claim 16, Gale discloses a method and apparatus for managing a real estate unit from a remote location. The method includes the steps of accessing a server from a remote location through a website of the server and downloading a set of options regarding the managing of the rental unit from the website to the remote location. The method further includes the steps of selecting at least one of the options, uploading the selected option from the remote location to the server and executing the uploaded selected option by the server (abstract). A real estate unit may include residential or commercial rental units or rental storage space. A real estate unit may also be a condominium unit, building or any facility for which the real estate manager performs maintenance management services for the owner (, col. 2, lines 49 – 54).

Apparatus for managing a real estate unit from a remote location comprises means for accessing a server from a remote location through a website of the server; means for downloading a set of options regarding the managing of day-to-day operations directly related to use by a renter of the rental unit from the website to the remote location; means for selecting options; means for uploading the selected option from the remote location to the server; means for executing the uploaded selected option by the server (col. 1, lines 11 – 24); modem for transmission of data between a designated financial institution and the server; memory for storing the information (col. 14, lines 37 – 43).

CPU may receive and process information about the real estate unit from a local terminal, a financial institution, or a real estate manager working through a remote user terminal (the manager and terminal hereinafter sometimes together referred to as a "manager"). The CPU is provided with a set of software programs that when executed by the CPU function as a server (the programs and CPU hereinafter sometimes together referred to as server, col. 2, lines 37 – 48).

Gale discloses a field for appliances installed within the unit. A first part of the field identifies the appliance, while a second part shows a purchase and warranty date. An identifier (ID) may be provided. A 3-month and 1-year reminder are also provided for preventive maintenance (col. 7, lines 34 – 39).

A field is provided for appliances contained within the property. The number of each type of appliance is provided as well as an indication as to whether the property owner owns the appliances or some other entity (e.g., a rental agency). An identifier is provided as to who is responsible for servicing the appliances as well as an indicator as to the contract terms under which the appliances may be serviced (col. 9, lines 6 – 13).

Gale does not disclose to have package delivery information. However, Gale discloses that the search engine may return an identifier of the retailer and an embedded hyperlink to the retailer. The user may then select the retailer and, in turn, be routed to the retailer's website (col. 1, lines 27 – 30). Also, it is known at the time of invention that package delivery companies like United Parcel Service, FedEx etc. provide online access over the internet to its customers to track the shipment. Also, it is known at the time of invention that icon for shipper's URL can be added on user's

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computer (Microsoft Windows 98 has this feature). Therefore, it is known at the time of invention to allow users to use the computer system to provide package delivery information save time by providing online access for users to track their shipment (user does not have to call the package delivery company to check the status of their package).

Regarding claim 19, Gale discloses a method and apparatus for managing a real estate unit from a remote location. The method includes the steps of accessing a server from a remote location through a website of the server and downloading a set of options regarding the managing of the rental unit from the website to the remote location. The method further includes the steps of selecting at least one of the options, uploading the selected option from the remote location to the server and executing the uploaded selected option by the server (abstract). A real estate unit may include residential or commercial rental units or rental storage space. A real estate unit may also be a condominium unit, building or any facility for which the real estate manager performs maintenance management services for the owner (, col. 2, lines 49 – 54).

Apparatus for managing a real estate unit from a remote location comprises means for accessing a server from a remote location through a website of the server; means for downloading a set of options regarding the managing of day-to-day operations directly related to use by a renter of the rental unit from the website to the remote location; means for selecting options; means for uploading the selected option

from the remote location to the server; means for executing the uploaded selected option by the server (col. 1, lines 11 – 24); modem for transmission of data between a designated financial institution and the server; memory for storing the information (col. 14, lines 37 – 43).

CPU may receive and process information about the real estate unit from a local terminal, a financial institution, or a real estate manager working through a remote user terminal (the manager and terminal hereinafter sometimes together referred to as a "manager"). The CPU is provided with a set of software programs that when executed by the CPU function as a server (the programs and CPU hereinafter sometimes together referred to as server, col. 2, lines 37 – 48).

Gale discloses a field for appliances installed within the unit. A first part of the field identifies the appliance, while a second part shows a purchase and warranty date. An identifier (ID) may be provided. A 3-month and 1-year reminder are also provided for preventive maintenance (col. 7, lines 34 – 39).

A field is provided for appliances contained within the property. The number of each type of appliance is provided as well as an indication as to whether the property owner owns the appliances or some other entity (e.g., a rental agency). An identifier is provided as to who is responsible for servicing the appliances as well as an indicator as to the contract terms under which the appliances may be serviced (col. 9, lines 6 – 13).

Gale does not disclose to transmit notification message when a third party accesses the information. However, Gale discloses that the access application compares the identifiers against a number of known authorized identifiers (e.g.,

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passwords). When a match is found, the CPU grants access by the manager, but only to a predetermined set of files (col. 4, lines 16 – 22). Also, it is known at the time of invention that in an online system, the system administrator is informed when there is an unauthorized use by a user. In addition, in the systems which requires users to identify themselves before accessing the system, their identification may be used to track their access to information. Therefore, it is known at the time of invention to a person with ordinary skill in the art to send notification when a third party accesses the information to generate the billing for the information. For example, Thomson Corporation's online-based information services "Dialog" (www.dialog.com) which requires customers to provide ID and Password, and bill the customer for the usage of their system.

Regarding claim 26 Gale discloses a method and apparatus for managing a real estate unit from a remote location. The method includes the steps of accessing a server from a remote location through a website of the server and downloading a set of options regarding the managing of the rental unit from the website to the remote location. The method further includes the steps of selecting at least one of the options, uploading the selected option from the remote location to the server and executing the uploaded selected option by the server (abstract). A real estate unit may include residential or commercial rental units or rental storage space. A real estate unit may also be a

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condominium unit, building or any facility for which the real estate manager performs maintenance management services for the owner (, col. 2, lines 49 – 54).

Apparatus for managing a real estate unit from a remote location comprises means for accessing a server from a remote location through a website of the server; means for downloading a set of options regarding the managing of day-to-day operations directly related to use by a renter of the rental unit from the website to the remote location; means for selecting options; means for uploading the selected option from the remote location to the server; means for executing the uploaded selected option by the server (col. 1, lines 11 – 24); modem for transmission of data between a designated financial institution and the server; memory for storing the information (col. 14, lines 37 – 43).

CPU may receive and process information about the real estate unit from a local terminal, a financial institution, or a real estate manager working through a remote user terminal (the manager and terminal hereinafter sometimes together referred to as a "manager"). The CPU is provided with a set of software programs that when executed by the CPU function as a server (the programs and CPU hereinafter sometimes together referred to as server, col. 2, lines 37 – 48).

Gale discloses that the server 16 may contain files for any number or type of manager 12. For example, one group of managers 12 may be associated with a first real estate entity, while another group may be associated with a second real estate entity, unrelated by ownership or geographic area. As a result, the password of a manager 12 is unique and only allows the manager 12 to access files to which he has

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access rights within a secure portion of the server 16. On a first level, a manager 12 may only be allowed access to files of the real estate entity of which he is associated. However, even the manager's access to files of his own real estate entity may be limited based upon the type of manager 12 involved. For example, one type of manager may be a building owner. The building owner may be given the highest level of access. Another type of manager may be an accountant performing an organizational audit. An accountant may be given a lower level of access. A third type of manager may be a building manager. The building manager may be given the lowest level of access [col. 4, lines 23 – 60].

Gale discloses to allow authorized users (manager, owners etc.) to query for information on the real estate [see figures].

Gale discloses to transmit response to communication device (computer system used by the user to communicate with Gale). Gale does not disclose to transmit response to a communication device of another of a manager etc. However, it is obvious to a person with ordinary skill in the art that a computer receives request from first device (keyboard, mouse etc.) and transmits information to second device (monitor, printer etc.).

Regarding claims 27 – 28, Gale discloses to store information about residents (FIG. 13), Property (FIG. 14 - 16), Owner (FIG. 17), Billin (FIG. 18) etc.

Regarding claim 31, Gale disclose that the manager may view any of a number of reports regarding his rental units. For example, a lease analysis/expiration report may be provided which provides an overview of the rental status of his units. The report may indicate a number of vacant as well as occupied units. A vacancy report may be provided as well as a notices report. The vacancy report, notices report and unit management report may be used by the manager as a measure of the performance of local building managers (col 11, lines 12 – 41).

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gale US Patent 6,334,107 over Yardi Systems, Inc. hereinafter known as Yardi.

Regarding claim 32, Gale does not disclose linking information between various properties. However, Yardi discloses to provide system for multiple spaces per tenant. Therefore, it is known at the time of invention to a person with ordinary skill in the art to linking information between various properties to have the customer make only one rental payment for all the spaces leased. For example, for accounting purposes, a business may have leased several office spaces in different buildings, and, may want to make one monthly payment to the landlord or the property manager.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.

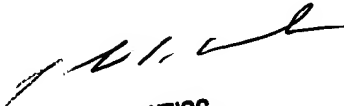
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

Naresh Vig
June 16, 2003



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600